

AN ORDINANCE BY  
COUNCILMEMBERS

*Carla Smith* *Kwanza Hall* *Anne Fauver*  
CARLA SMITH, KWANZA HALL, AND ANNE FAUVER

TO AMEND CHAPTER 30, ARTICLE XIV, SECTION 30-952 AND CHAPTER 30, ARTICLE XIV SECTION 30-954 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO AMEND THE QUALIFICATIONS OF MASSAGE TECHNICIANS TO MORE CLOSELY REFLECT THE QUALIFICATIONS CONTAINED IN THE MASSAGE THERAPY ACT RECENTLY ENACTED BY THE STATE OF GEORGIA; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

**WHEREAS**, the City of Atlanta, currently regulates the practice of massage within the City of Atlanta pursuant to its police power; and

**WHEREAS**, during the 2005 session of the Georgia General Assembly, the General Assembly passed the Georgia Massage Therapy Act for the purpose of regulating massage therapists in the State of Georgia, OCGA § 43-24A-et seq.; and

**WHEREAS**, the Massage Therapy Act became effective July 1, 2006, OCGA § 43-24A-et seq.; and

**WHEREAS**, prior to July 1, 2006, the practice of massage was exclusively regulated by counties and municipalities; and

**WHEREAS**, the Massage Therapy Act does not prevent the City of Atlanta from continuing its regulation of individuals wishing to practice massage within the City of Atlanta who are not licensed by the State of Georgia, OCGA § 43-24A-22; and

**WHEREAS**, the City Council wishes to amend the qualifications of massage technicians to more closely reflect the qualifications contained in the Massage Therapy Act .

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**Section 1.** That Sections 30-952 and 30-954 of the Code of Ordinances of the City of Atlanta which currently state as follows are hereby **DELETED** in their entirety:

**Section 30-952. Qualifications of Massage Technician.**

(a) No applicant may be issued a license as a massage technician unless such person shall have filed the application required in section 30-954, and the applicant must be:

(1) Of good moral character.

- (2) In sound physical and mental health.
- (3) Qualified through graduation from a school of massage or from practical experience, provided such accredited school or approved school of massage must include a course of study of not less than six months or a four-month intensive course, provided such course is a 1000-hour approved course, and such practical experience may include apprenticeship and training in a place of massage or physical culture for not less than two years, and the applicant must show that the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy and hygiene.

(b) No license shall be issued unless the application required in this section and all the attached documentation and exhibits so required shall have been filed by the applicant, and no license shall be issued if it appears that the application has been materially falsified or if the applicant has deliberately sought to falsify any information contained therein.

#### **Section 30-954. Application.**

Any person desiring to obtain a license to operate as a massage technician or to operate a massage establishment shall make application to the department of police for an appropriate investigation. Such application shall be in writing, addressed to the mayor and city council, and shall set forth the following:

- (1) The full legal name of the applicant, including all aliases, nicknames, pseudonyms or trade names used by the applicant;
- (2) The current and all previous business and residence addresses of the applicant within the two years immediately preceding the date of application;
- (3) Sworn affidavits of at least three bona fide residents of Fulton County that the applicant is a person of good moral character;
- (4) Written proof that the applicant is over the age of 21 years;
- (5) The applicant's height, weight and color of eyes and hair;
- (6) Two current photographs of the applicant at least two inches by two inches in size;
- (7) The business, occupation or employment of the applicant for three years immediately preceding the date of application;
- (8) Any massage or similar business license history of the applicant, including whether such person, in any previous operation in any jurisdiction, has had such a license revoked or suspended, the reason therefor and any business activity or occupation subsequent to the action of suspension or revocation;
- (9) All convictions of violations of any laws and the grounds therefor;
- (10) The applicant shall be fingerprinted by the city, and such fingerprint card and record shall be attached as an exhibit to the application;
- (11) The applicant shall be examined, within 30 days prior to the date of the application and within 30 days of the annual application renewal date, by a physician duly licensed by the state and a certificate from the physician, certifying that the applicant is in sound mental and physical health and free of all contagious or communicable diseases, shall be attached to the application;

(12) A certified copy of a diploma of graduation and a certificate of graduation in good standing from an accredited school of massage; such diploma shall be received by the city directly from the school; such diploma must be representative of the fact that such applicant attended a course of study of not less than six months or a four-month intensive course, provided such course is a 1000-hour approved course, wherein such courses of study consisted of a curriculum of physical culture, massage, hydrotherapy, electrotherapy, hygiene, health service management and other such subjects. If such applicant should not have such diploma, the applicant must have had an apprenticeship and practical experience for a period of not less than two years in a place of massage or physical culture studio in which the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy and other such subjects; the applicant must furnish with such application an affidavit of previous employment, together with an affidavit of the person under whom such apprenticeship or practical experience was obtained, specifying that the applicant has satisfied the requirements of this subsection;

(13) If the applicant is a corporation or partnership, the information and exhibits required in this section with regard to each employee, agent or partner, general or limited; and

(14) If the applicant is a corporation, in addition to the information required in this section, submit a complete list of the stockholders of the corporation, including names, current addresses and current occupations.

**Section 2.** That the following language be **ADDED** to the Code of Ordinances of the City of Atlanta as follows:

**Section 30-952. Qualifications of Massage Technician.**

(a) No applicant may be issued a license as a massage technician unless such person shall have filed the application required in section 30-954, and the applicant must be:

(1) Of good moral character.

(2) Qualified through graduation from a school of massage or from practical experience, provided such accredited school or approved school of massage must include a course of study of not less than six months or a four-month intensive course, provided such course is a 1000-hour approved course, and such practical experience may include apprenticeship and training in a place of massage or physical culture for not less than two years, and the applicant must show that the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy and hygiene.

(b) No license shall be issued unless the application required in this section and all the attached documentation and exhibits so required shall have been filed by the applicant, and no license shall be issued if it appears that the application has been materially falsified or if the applicant has deliberately sought to falsify any information contained therein.

### **Section 30-954. Application.**

Any person desiring to obtain a license to operate as a massage technician or to operate a massage establishment shall make application to the department of police for an appropriate investigation. Such application shall be in writing, addressed to the mayor and city council, and shall set forth the following:

- (1) The full legal name of the applicant, including all aliases, nicknames, pseudonyms or trade names used by the applicant;
- (2) The current and all previous business and residence addresses of the applicant within the two years immediately preceding the date of application;
- (3) Sworn affidavits of at least three bona fide residents of Fulton County that the applicant is a person of good moral character;
- (4) Written proof that the applicant is over the age of 21 years;
- (5) The applicant's height, weight and color of eyes and hair;
- (6) Two current photographs of the applicant at least two inches by two inches in size;
- (7) The business, occupation or employment of the applicant for three years immediately preceding the date of application;
- (8) Any massage or similar business license history of the applicant, including whether such person, in any previous operation in any jurisdiction, has had such a license revoked or suspended, the reason therefore and any business activity or occupation subsequent to the action of suspension or revocation;
- (9) All convictions of violations of any laws and the grounds therefore;
- (10) The applicant shall be fingerprinted by the city, and such fingerprint card and record shall be attached as an exhibit to the application;
- (11) A certified copy of a diploma of graduation and a certificate of graduation in good standing from an accredited school of massage; such diploma shall be received by the city directly from the school; such diploma must be representative of the fact that such applicant attended a course of study of not less than six months or a four-month intensive course, provided such course is a 1000-hour approved course, wherein such courses of study consisted of a curriculum of physical culture, massage, hydrotherapy, electrotherapy, hygiene, health service management and other such subjects. If such applicant should not have such diploma, the applicant must have had an apprenticeship and practical experience for a period of not less than two years in a place of massage or physical culture studio in which the applicant has received training and experience in physical culture, massage, hydrotherapy, electrotherapy and other such subjects; the applicant must furnish with such application an affidavit of previous employment, together with an affidavit of the person under whom such apprenticeship or practical experience was obtained, specifying that the applicant has satisfied the requirements of this subsection;
- (12) If the applicant is a corporation or partnership, the information and exhibits required in this section with regard to each employee, agent or partner, general or limited; and

(13) If the applicant is a corporation, in addition to the information required in this section, submit a complete list of the stockholders of the corporation, including names, current addresses and current occupations.

**Section 3.**

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, applied for after the enactment of this Ordinance.

**Section 4.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.